

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No.
Applicant(s): Robert E. Touhsaent			2001B025
Serial No.	Filing Date	Examiner	Group Art Unit
09/828,638	April 6, 2001	Sheeba Ahmed	1773
Invention: Plastic Film With Printable Coating Comprising Epoxy Acrylate			RECEIVED CENTRAL FAX CENTER NOV 03 2003 OFFICIAL
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PTO/SB/21 (08-03)

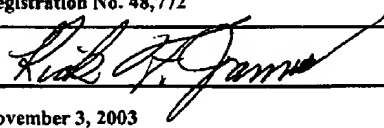
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/828,638	
	Filing Date	April 6, 2001	
	First Named Inventor	Robert E. Touhsaent	
	Art Unit	1773	
	Examiner Name	Sheeba Ahmed	
Total Number of Pages in This Submission	5	Attorney Docket Number	2001B025

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 2px;">Certificate of Transmission via Facsimile</div>
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Rick F. James Registration No. 48,772
Signature	
Date	November 3, 2003

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RESPONSE UNDER 37 C.F.R. § 1.116

EXPEDITED PROCEDURE

GROUP 1773

"PATENT"

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/828,638 Confirmation No.: 5507
Applicant : Robert E. TOUHAENT
Filed : April 6, 2001
TC/A.U. : 1773
Title : "PLASTIC FILM WITH PRINTABLE COATING
COMPRISING EPOXY ACRYLATE"
Examiner : Sheeba AHMED
Docket No. : 2001B025
Customer No. : 23455 Date: November 3, 2003

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RESPONSE UNDER 37 C.F.R. § 1.116

Sir:

Please consider the remarks below in response to the Final Office Action mailed September 2, 2003.

Claims 1-20 are all the claims pending in the application.

The claims stand rejected as follows:

Claims 1-5, 9-11, 15-18 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,662,985 to Jensen, *et al.* ("Jensen") in view of U.S. Patent 5,804,301 to Curatolo and U.S. Patent 6,406,775 to Houde;

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Reply to Office Action of September 2, 2003

Claims 1-2, 6-8, 15-18, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jensen in view of Curatolo and U.S. Patent 5,883,193 to Karim; and

Claims 1-2, 12-14, 15-16, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jensen over Houde and U.S. Patent 6,225,389 to Saint Victor.

Applicant respectfully traverses each of the rejections.

The ultimate determination of patentability must be based on consideration of the entire record, by a preponderance of the evidence, with due consideration to the persuasiveness of any arguments and objective evidence of patentability. In re Oetiker, 24 USPQ2d 1443 (Fed. Cir. 1992). The "preponderance of the evidence" standard is a relatively low threshold; it is lower than "clear and convincing" and much lower than "beyond a reasonable doubt." By a "preponderance of the evidence" merely requires that the facts be more likely in Applicant's favor than not.

Applicant respectfully submits that the present specification contains objective evidence of patentability, which, by at least a preponderance of the evidence, serves to rebut any alleged case of obviousness against the claims of the application. In particular, a printable coating composition comprising the claimed combination of (i) an anionic acrylic polymer, (ii) an epoxy acrylate, and (iii) a cross-linking agent provides a synergistic effect. A synergistic effect is one that is greater than the sum of its parts.

In the present case, the introduction of an epoxy acrylate (ii) acts in concert with the introduction of a cross-linking agent (iii) so as to provide a balance of isopropyl alcohol (IPA) resistance, haze, and ink adhesion that is significantly superior to what one would expect from the combined effect of introducing an epoxy acrylate and introducing a cross-linking agent, each considered alone. A comparison of the comparative examples and representative examples of the claimed invention set forth in the specification conclusively demonstrates this synergistic effect.

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Examples 1-4 are comparative examples and appear at pages 16-19 of the specification. As explained above, the synergistic effect achieved by the invention is provided by the claimed combined introduction of (ii) an epoxy acrylate and (iii) a cross-linking agent to a coating composition containing an anionic acrylic polymer (i). Each of Examples 1-4 does not include one or both of (ii) and (iii). Example 1 does not include (ii) an epoxy acrylate and (iii) a cross-linking agent. Examples 2 and 3 do not include (ii) an epoxy acrylate. Example 4 does not include (iii) a cross-linking agent.

Examples 5-9, on the other hand, are representative examples of the claimed invention. They each contain the claimed combination of (i) an anionic acrylic polymer, (ii) an epoxy acrylate, and (iii) a cross-linking agent.

Applicant kindly invites the Examiner to compare the results achieved by Examples 1-4 with the results achieved by Examples 5-9. The comparison demonstrates that the compositions of Examples 1-4 do not provide the type of balance, in terms of IPA resistance, haze, and ink adhesion, provided by the compositions of Examples 5-9.

Furthermore, it must be remembered that the claimed invention may be compared with prior art that is closer to the invention than the art relied upon by the Examiner. In re Holladay, 199 USPQ 516 (CCPA 1978); Ex parte Humber, 217 USPQ 265 (Bd. App. 1961). Examples 1-4 are closer to the claimed invention than any actual embodiment or working example disclosed in the art cited by the Examiner. For example, the plastic substrates used in each of comparative Examples 1-4 and inventive Examples 5-9 are identical three-layer substrates comprising an oriented polypropylene (OPP) core layer and a pair of ethylene-propylene copolymer skin layers.

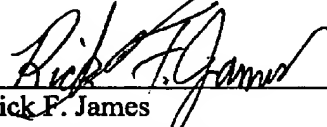
In view of the foregoing, the present specification contains objective evidence of a synergistic effect achieved by the claimed invention that serves to rebut any alleged case of obviousness. Accordingly, Applicant respectfully requests the reconsideration and withdrawal of these §103 rejections.

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Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, she is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: November 3, 2003


Rick F. James
Registration No. 48,772

Post Office Address (to which correspondence is to be sent)
ExxonMobil Chemical Company
Law Technology
P.O. Box 2149
Baytown, Texas 77522-2149
Telephone No. (281) 834-2438
Facsimile No. (281) 834-2495